

# Chapter 4

## Heavy vehicle training: towards a better national scheme

4.1 The importance of high quality and nationally consistent training for heavy vehicle drivers came into sharp focus during the committee's inquiry into aspects of road safety in Australia.

4.2 The M5 incident is just one example that highlights the potential for untrained and inexperienced heavy vehicle drivers to threaten safety on Australian roads and the road transport economy. On that occasion, the drivers' disregard for low clearance restrictions and inability to safely re-route the vehicle caused inconvenience and delays for other drivers as well as a significant commitment of state government resources. The committee recognises that the situation could have been much worse.

4.3 The committee recognises that the vast majority of the road transport industry operates with far greater care and diligence than that displayed on the M5 in February 2016. Throughout the inquiry, the committee's overriding concern has rested with preparing heavy vehicle drivers for the real challenges on our roads in order to prevent a similar incident.

4.4 Despite some progress towards harmonisation and improved standards, witnesses have provided evidence of a gap between the ideal and reality of heavy vehicle training in Australia. This chapter considers evidence that:

- implementation of the national Heavy Vehicle Competency Based Assessment (HVCBA) scheme has been slow, and its inconsistent application creates issues for drivers, instructors and assessors;
- the quality of heavy vehicle instructors and assessors in Australia varies greatly, with some lacking practical industry experience;
- the standard required to pass heavy vehicle driving assessments is low and the key competencies required of drivers do not focus on safety; and
- some instructors and assessors are able to engage in unscrupulous and corrupt behaviour in a system that lacks appropriate scrutiny and compliance activity.

### National Heavy Vehicle Driver Competency Framework

4.5 On 25 July 2008, transport ministers agreed that 'heavy vehicle reforms should deliver a consistent approach' to assessment.<sup>1</sup> Nine years on, the committee heard that national standards for competency assessment for heavy vehicle drivers' licences are far from being achieved.

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1 Roads and Maritime Services (NSW), *National heavy vehicle assessment guide*, March 2017, <<http://www.rms.nsw.gov.au/business-industry/drivinginstructors/heavy-vehicle-competency-basedassessment/index.html>> (accessed 12 September 2017), p. 2.

4.6 Flowing from this ministerial agreement, the National Heavy Vehicle Driver Competency Working Group (NHVDC Working Group) was established as a project team under the sponsorship of Austroads, the peak organisation of Australasian road transport and traffic agencies.<sup>2</sup> In November 2009, the group called for industry comment on a 'Summary of matters under consideration for a National Heavy Vehicle Driver Competency Framework' (NHVDC Framework) including:

- applying eligibility criteria consistently across all Australian jurisdictions;
- integrating the skills set for each class of heavy vehicle drivers' licence into the VET Transport and Logistics Industry Training Package;
- commercial service providers (including registered training organisations (RTOs)) administering final competency assessments as a matter of preference;
- licensing authorities administering final competency assessments only where administration by RTOs is not practical, such as in remote areas; and
- state and territory licensing authorities implementing the framework consistently, confining jurisdictional variations to back-office systems.<sup>3</sup>

4.7 In its 2010 submission to the working group, the ATA described national consistency in implementation as 'paramount' to attracting and retaining drivers and addressing skills attainment issues, arguing:

Transport Ministers and Licensing Authorities have a historic opportunity to align heavy vehicle licensing with competency-based training and assessment in such a way as to remove many barriers to the attraction, [and] retention of vocational qualifications attainment which bedevil the road freight industry currently.<sup>4</sup>

4.8 The ATA highlighted the need for skilled and competent drivers to keep up with the growing complexity of the industry with its larger and more technical

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2 Roads and Maritime Services (NSW), *National heavy vehicle assessment guide*, March 2017, <<http://www.rms.nsw.gov.au/business-industry/drivinginstructors/heavy-vehicle-competency-basedassessment/index.html>> (accessed 12 September 2017), p. 2.

3 Australian Trucking Association, *Submission to the Heavy Vehicle Driver Competency Working Group on the National Heavy Vehicle Driver Competency Framework*, January 2010, <<http://www.truck.net.au/sites/default/files/submissions/National%20Competency%20Framework%20for%20Heavy%20Vehicle%20Drivers%20-20ATA%20submission%20Jan2010.pdf>> (accessed 12 September 2017), pp. 6–9.

4 Australian Trucking Association, *Submission to the Heavy Vehicle Driver Competency Working Group on the National Heavy Vehicle Driver Competency Framework*, January 2010, <<http://www.truck.net.au/sites/default/files/submissions/National%20Competency%20Framework%20for%20Heavy%20Vehicle%20Drivers%20-20ATA%20submission%20Jan2010.pdf>> (accessed 12 September 2017), p. 2.

vehicles, increased travelling distances, rising customer expectations and stronger regulatory and safety environments.<sup>5</sup>

4.9 Following this consultation process, the working group's NHVDC Framework was endorsed in March 2011 by the Standing Committee on Transport,<sup>6</sup> a group operating beneath the then Australian Transport Council. The standing committee comprises the heads of each Commonwealth, state and territory government department with policy responsibility for transport.<sup>7</sup>

4.10 Ms Melinda Bailey of RMS in NSW told the committee that the development of the framework was a truly national effort, intended to have national application:

The intention of the national framework...was that all states would be involved...The standards were developed by the national heavy vehicle competency assessment working group that was formed by all of the jurisdictions. The best at the time around the nation got together to define those 15 criteria.<sup>8</sup>

### ***Implementation progress***

4.11 Evidence to the committee suggests that the progress of the NHVDC Framework has stalled, demonstrated by the fact that it is:

- yet to be implemented nationally, as it is only applied in NSW, Victoria, Tasmania and partially in Queensland; and
- implemented inconsistently between and even within jurisdictions, which provides scope for loopholes and slipping standards.

4.12 In December 2011, a Queensland Government Driver Training Industry Working Group Newsletter foreshadowed the implementation and transition arrangements in jurisdictions including Queensland:

The National Heavy Vehicle Driver Competency Working Group is presently considering how jurisdictions can implement the National Heavy Vehicle Driver Competency Framework in a coordinated manner.

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5 Australian Trucking Association, *Submission to the Heavy Vehicle Driver Competency Working Group on the National Heavy Vehicle Driver Competency Framework*, January 2010, <<http://www.truck.net.au/sites/default/files/submissions/National%20Competency%20Framework%20for%20Heavy%20Vehicle%20Drivers%20-20ATA%20submission%20Jan2010.pdf>> (accessed 12 September 2017), p. 3.

6 Roads and Maritime Services (NSW), *National heavy vehicle assessment guide*, March 2017, <<http://www.rms.nsw.gov.au/business-industry/drivinginstructors/heavy-vehicle-competency-basedassessment/index.html>> (accessed 12 September 2017), p. 2.

7 National Transport Commission Review Steering Committee, *Review of the National Transport Commission*, June 2009, <[https://infrastructure.gov.au/transport/australia/ntc/files/NTC\\_Review\\_Report.pdf](https://infrastructure.gov.au/transport/australia/ntc/files/NTC_Review_Report.pdf)> (accessed 12 September 2017), p. 14.

8 Ms Melinda Bailey, Roads and Maritime Services, New South Wales, *Committee Hansard*, 15 February 2017, p. 10.

Within Queensland, necessary approvals and implementation plans need to be set, which involve legislation changes and changes to IT systems etc. TMR has been keeping industry informed of progress made so far, and we are committed to continue to keep industry informed – allowing for sufficient time to transition to new arrangements.<sup>9</sup>

4.13 Almost five years after this industry update, Mr Stapleton of the Queensland department told the committee that Queensland 'never fully adopted the national scheme'. He explained:

We only took one step, and that was multicomination vehicles. For Queensland you still come through our driver training centres for testing and for everything but the final step.<sup>10</sup>

4.14 The national framework envisaged that RTOs would be audited on a national basis by the national regulator of the VET sector, the Australian Skills Quality Authority (ASQA). Mr Stapleton explained that in Queensland, however, TMR is 'auditing our own people' for assessments in all classes except multicomination (MC).<sup>11</sup>

4.15 Queensland applies the national framework administered by RTOs for MC licences and relies on ASQA for auditing.<sup>12</sup> Mr Stapleton explained Queensland's partial move towards the national framework flows from its previous investment in time-based learning schemes:

...we had a number of schemes that we were running in Queensland back at that time, where you could do time based learning on the job....Those schemes had to be brought to an end before we could actually move to a full national frame. It has taken us a lot longer than the other states to go through and get into that space. The only thing we were actually able to move at that point was MC...For us, that was the one step we were able to easily do in this process.<sup>13</sup>

4.16 In March 2017, the committee was advised that only NSW and Victoria fully participate in the national framework, having a 'mutual recognition' arrangement in

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9 Queensland Government, *Driver Trainer News: The Driver Training Industry Working Group Newsletter*, December 2011, <[http://www.tmr.qld.gov.au/~media/busind/accreditations/driverandridetrainers/driver\\_trainer\\_news\\_Dec2011.pdf](http://www.tmr.qld.gov.au/~media/busind/accreditations/driverandridetrainers/driver_trainer_news_Dec2011.pdf)> (accessed 12 September 2017), p. [2].

10 Mr Mike Stapleton, Department of Transport and Main Roads, *Committee Hansard*, 10 November 2016, p. 9.

11 Mr Mike Stapleton, Department of Transport and Main Roads, *Committee Hansard*, 10 November 2016, p. 9.

12 Mr Mike Stapleton, Department of Transport and Main Roads, *Committee Hansard*, 10 November 2016, p. 9.

13 Mr Mike Stapleton, Department of Transport and Main Roads, *Committee Hansard*, 10 November 2016, p. 10.

place between the two jurisdictions.<sup>14</sup> The committee acknowledges, however, that from 22 March 2017, Tasmania also implemented the national framework.<sup>15</sup>

4.17 The committee notes that in other jurisdictions, heavy vehicle driver training and assessment is conducted in the following diverse ways:

- In South Australia, authorised driving instructors deliver competency-based training courses or vehicle on road tests,<sup>16</sup> some of which are attended by Department for Transport, Energy and Infrastructure accreditation auditors.<sup>17</sup>
- Western Australian Driver and Vehicle Service centres and agents deliver practical driving assessments and theory tests for Heavy Rigid (HR) and Heavy Combination (HC) classes, as do authorised RTOs. Similar to Queensland, however, MC class assessments are only delivered by RTOs.<sup>18</sup>
- There are two streams of assessment for all heavy vehicle classes in the Northern Territory, with Motor Vehicle Registry authorised assessment officers delivering practical driving assessments and RTOs delivering training and assessment courses.<sup>19</sup>
- In the Australian Capital Territory, knowledge assessments are delivered online and accredited heavy vehicle assessors undertake practical driving assessments.<sup>20</sup> For MC licences, government-contracted providers may also deliver courses and assessment.<sup>21</sup>

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14 Roads and Maritime Services, answers to additional questions on notice, 28 February 2017 (received 24 March 2017), p. [3].

15 Tasmanian Government, Department of State Growth: Transport, *Heavy Vehicle Licences*, <[http://www.transport.tas.gov.au/licensing/getting-a-licence/heavy-vehicles/basic\\_driver\\_licence\\_-\\_heavy\\_vehicle](http://www.transport.tas.gov.au/licensing/getting-a-licence/heavy-vehicles/basic_driver_licence_-_heavy_vehicle)> (accessed 11 August 2017).

16 Government of South Australia, *Getting a heavy vehicle licence*, 5 July 2017, <<https://www.sa.gov.au/topics/driving-and-transport/heavy-vehicles/getting-a-heavy-vehicle-licence>> (accessed 12 September 2017).

17 Government of South Australia, Department of Transport, Energy and Infrastructure, *Trainee guide for light and medium rigid vehicles*, <[https://www.sa.gov.au/\\_\\_data/assets/pdf\\_file/0007/12967/trainee\\_guide\\_lr\\_mr.pdf](https://www.sa.gov.au/__data/assets/pdf_file/0007/12967/trainee_guide_lr_mr.pdf)> (accessed 12 September 2017), p. 4.

18 The Government of Western Australia, Department of Transport, *Heavy rigid licence (HR)*, <<http://www.transport.wa.gov.au/licensing/heavy-rigid-licence-hr.asp>> (accessed 12 September 2017).

19 Northern Territory Government, *Get your heavy vehicle licence*, 27 June 2017, <<https://nt.gov.au/driving/heavy/get-your-heavy-vehicle-licence/apply-for-heavy-rigid-licence-hr>> (accessed 12 September 2017).

20 ACT Government, Access Canberra, *ACT heavy vehicle drivers' handbook*, February 2012, <<https://www.accesscanberra.act.gov.au/ci/fattach/get/76978/1458603378/redirect/1/filename/ACT+heavy+vehicle+drivers%27+handbook.pdf>> (accessed 12 September 2017), p. 7.

21 ACT Government, Access Canberra, *Practical driving assessment*, 21 April 2017, <[https://www.accesscanberra.act.gov.au/app/answers/detail/a\\_id/1626/~/-heavy-vehicle-driver-licensing#!tabs-4](https://www.accesscanberra.act.gov.au/app/answers/detail/a_id/1626/~/-heavy-vehicle-driver-licensing#!tabs-4)> (accessed 12 September 2017).

### ***Austroads review***

4.18 The committee was heartened to learn that Austroads is currently undertaking a review of the NHVDC Framework.<sup>22</sup> The committee understands that a consultant has been engaged by Austroads to review:

- the governance, regulatory and monitoring arrangements employed by each jurisdiction in delivering heavy vehicle driver training and assessment either through the Framework or other model so that Austroads can make informed decisions about the future of heavy vehicle driver training in Australia [and]
- the appropriateness and adequacy, including the link to safety outcomes, of heavy vehicle driver training package content and heavy vehicle trainer qualifications under the Framework.<sup>23</sup>

4.19 The committee considers this review to be long overdue. Accordingly, it encourages the transport industry's experienced stakeholders to provide input to the consultations that are underway with transport regulators, heavy vehicle industry representatives and training providers.<sup>24</sup>

4.20 In conducting this review, the committee encourages Austroads to consider the issues with heavy vehicle training and assessment that were raised in evidence to this inquiry. These matters are discussed in the remainder of this chapter.

### ***Need for consistency***

4.21 Witnesses told the committee that the jurisdictional requirements for heavy vehicle training and assessment need to be harmonised, as the current differences create loopholes which can lead to poor training outcomes and can be exploited by unscrupulous operators.

4.22 The ATA called for consistency between states and territories and RTOs so that standards are uniform and reform is possible. Mr Bill McKinley of the ATA told the committee:

...we do need to make sure that the basic standards are the same and that the national interaction between the RTOs, who deliver the training and, in many cases, can access government funding to do that, and the state

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22 Mr Bill McKinley, Australian Trucking Association, *Committee Hansard*, 8 August 2017, p. 1.

23 Austroads, *Review of the National Heavy Vehicle Competency Framework*, <<http://www.austroads.com.au/drivers-vehicles/registration-licensing-program/heavy-vehicle-driver-competency>> (accessed 12 September 2017).

24 Austroads, *Review of the National Heavy Vehicle Competency Framework*, <<http://www.austroads.com.au/drivers-vehicles/registration-licensing-program/heavy-vehicle-driver-competency>> (accessed 12 September 2017).

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regulatory arms happen on a consistent and direct basis so that, when action is needed, it happens straightaway.<sup>25</sup>

4.23 Representatives of heavy vehicle operator Scott's Transport told the committee that in their experience, different testing regimes are leading to inconsistent standards between jurisdictions. Mr Forster explained:

In our tests that we are checking ourselves, we are finding great disparity in the testing regimes in all the states. I think that something needs to be done to make them all the same; for example, in many states a B-double driver does not have to back his truck to get a licence.<sup>26</sup>

4.24 Mr Warwick Burrows of RTO bctraining provided a theoretical example of the potential for drivers to forum shop between jurisdictions to obtain a licence with the minimum levels of training or experience:

Our real problem comes where there are cross-border differences between the expected quality or assessment criteria for drivers in other states and in New South Wales. New South Wales is the most rigorous; there is no doubt about it. That is not to say the rest are not...

You can, for example, go to Queensland—and...get your B-double licence and come back in 50 hours across the border, change your licence quickly enough and drive down with a New South Wales MC licence and not have done any real experience in a lesser or greater truck, be it HC or whatever. Up there they can get an HR licence, have someone sign a letter and take it into roads up there. They give them a B-double and away they go.<sup>27</sup>

4.25 Even within jurisdictions that have implemented the national framework, inconsistencies can arise in the delivery of heavy vehicle training and assessment. For example, the committee heard evidence that in NSW, heavy vehicle driver testing is performed differently by RMS assessors and the RTOs, even though both are authorised to issue the same licences through the logbook-style Heavy Vehicle Competency Based Assessment (HVCBA).

4.26 According to the RMS website, the RMS-administered heavy vehicle driver test is a location-based alternative to the HVCBA for all licences except the MC class. It states that 'the primary method to get a Heavy Vehicle License is to complete a Heavy Vehicle Competency Based Assessment (HVCBA) with an Accredited Training Provider'. However, acknowledging that 'HVCBA may not be available in all areas of NSW', drivers are told that '[i]n these areas, you can take a heavy vehicle driving test with a Roads and Maritime or Service NSW testing officer'.<sup>28</sup>

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25 Mr Bill McKinley, Australian Trucking Association, *Committee Hansard*, 8 August 2017, p. 5.

26 Mr Phillip Forster, Scott's Transport Industries, *Committee Hansard*, 22 March 2016, p. 71.

27 Mr Warwick Burrows, bctraining, *Committee Hansard*, 15 February 2017, p. 17.

28 Roads and Maritime Services, *Heavy Vehicle Competency Based Assessment (HVCBA)*, 5 October 2016, <<http://www.rms.nsw.gov.au/business-industry/heavy-vehicles/licence/competency-based-assessment.html>> (accessed 4 August 2017).

4.27 Heavy vehicle trainer and assessor, Mr Tony Richens, told the committee that the two assessment methods have created 'double standards' in NSW heavy vehicle driver licensing. He argued:

We are competing with [RMS] for assessment business, but we have two very different standards. The RMS assessors are not required to have an in-cab camera for their assessments...The RMS assessors do not have the same test criteria...The RMS assessors are not even required to hold a class of licence for three years before being able to assess.<sup>29</sup>

4.28 Mr Richens called for greater scrutiny of the results of the two assessment streams in NSW, asking '[h]as any analysis been done on the outcome of these two different processes of assessment, comparing fail rates, accidents and incidents afterwards?'<sup>30</sup> Further, Mr Burrows of bctraining, observed that once drivers are licenced, the NSW system offers subsequent employers 'no visibility' of which stream they chose.<sup>31</sup>

### *Quality of instructors/assessors*

4.29 The method by which a person can become a trainer or assessor varies greatly across the country. Mirroring their approach to training heavy vehicle drivers, jurisdictions including Queensland, NSW and Western Australia offer heavy vehicle driver trainers and assessors an alternative assessment conducted by in-house departmental assessors rather than at RTOs.<sup>32</sup>

4.30 The difference between jurisdictions is particularly stark when considering the level of industry experience required for accreditation as an instructor or assessor. The committee understands that Western Australia and Victoria are unusual in requiring, respectively, that instructors have a minimum of 3 continuous years' experience driving the vehicle class taught<sup>33</sup> or evidence of 12 months driving that vehicle over a five year period.<sup>34</sup>

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29 Mr Tony Richens, *Committee Hansard*, 26 June 2017, p. 4.

30 Mr Tony Richens, *Committee Hansard*, 26 June 2017, p. 4.

31 Mr Warwick Burrows, bctraining, *Committee Hansard*, 15 February 2017, p. 12.

32 Government of Western Australia, Department of Transport, *Heavy Rigid licence (HR)*, 10 August 2017, <<http://www.transport.wa.gov.au/licensing/heavy-rigid-licence-hr.asp>> (accessed 10 August 2017); Government of Western Australia, Department of Transport, *Get a driving instructor's licence*, <<http://www.transport.wa.gov.au/licensing/get-a-driving-instructors-licence.asp>> (accessed 7 September 2017).

33 Government of Western Australia, Department of Transport, *Get a driving instructor's licence*, <<http://www.transport.wa.gov.au/licensing/get-a-driving-instructors-licence.asp>> (accessed 7 September 2017).

34 Mr Angelo Herft, VicRoads, *Committee Hansard*, 10 November 2016, pp. 2–3.



4.31 Mr Angelo Herft of VicRoads assured the committee that VicRoads would follow the trail back to make sure that at least 12 months of experience could be verified, explaining:

We make checks to make sure that the person on the other end of the phone can verify the evidence they have provided us... If one of the documents is that you did 12 months worth of driving for company X back in 2015 or whatever, we will make that call to determine whether you were employed there, what size vehicle you drove and whether you were there for five minutes, two years or whatever it may be on your resume.<sup>35</sup>

4.32 The committee remains of the view that this system of 'checks' is inherently corruptible. For example, Mr Herft acknowledged that when calls are made to verify industry experience and other evidence provided to VicRoads, its officers could be speaking to anyone who could say anything on the phone.<sup>36</sup>

4.33 For trainers and assessors delivering nationally-recognised training through RTOs, industry experience is required but, in the committee's view, the metric for assessing whether that experience exists is unclear. ASQA explained that those trainers and assessors:

...must hold industry competence, so they must be competent in the skills and knowledge that they are teaching or assessing, and they must be current in their industry knowledge. They must have the skills they are teaching or assessing, they must have the knowledge they are teaching or assessing and that must be current. So they must be up-to-date with the knowledge. Effectively, they must be capable of being a current practitioner in whatever it is they are training and assessing.<sup>37</sup>

4.34 When questioned further, Mr David Garner of ASQA told the committee that despite ASQA's regular audit activities, some variation in the levels of industry experience held by instructors and assessors would necessarily remain:

We could not guarantee that every single trainer and assessor—and we are talking somewhere in the order of 50,000 people—has exactly that level of expertise. They are certainly required to do so and, when we conduct audits or other regulatory activities, we test that industry experience. But we could not, in all honesty, say that at any point in time every single person in this sector complies with that requirement.<sup>38</sup>

4.35 Having noted a variation in standards regarding industry experience required of heavy vehicle trainers and assessors around the country, the committee notes

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35 Mr Angelo Herft, VicRoads, *Committee Hansard*, 10 November 2016, p. 6.

36 Mr Angelo Herft, VicRoads, *Committee Hansard*, 10 November 2016, p. 6.

37 Mr David Garner, Australian Skills Quality Authority, *Committee Hansard*, 10 November 2016, p. 25.

38 Mr David Garner, Australian Skills Quality Authority, *Committee Hansard*, 10 November 2016, p. 27.

evidence from witnesses which suggested that industry experience is fundamental to adequately train and assess other drivers. For example, Mr Michael Humphries of the Australian Driver Training Association (ADTA), described new trainers as 'ill-equipped' in a practical sense, providing anecdotal evidence that:

The new instructors that are coming in have had no or little industry experience, which means that, when a student says, 'How do I fill in my work diary?'... some of the instructors are unfortunately unable to tell them. We have instructors who are unable to explain the chain of responsibility and how it works and why it is important that you know what your role is before you go out and hit the road. I am sick of hearing young people obtaining a licence and being knocked off for a couple of hundred bucks worth of fines a couple of days later for not having written their garaging address in the front of their work diary.<sup>39</sup>

4.36 The problems that flow from instructors lacking industry experience were echoed by Mr McKinley of the ATA, who argued 'there is no substitute for that practical experience' which is 'essential'.<sup>40</sup> Likewise, Mr Burrows of bctraining was of the view that:

...within the regime there is no testing as to this person's real ability or knowledge as to what is actually going to be able to be imparted on any prospective student or client. So, at the end of the day, you end up with someone who is in it, colloquially, for the money. They pass the criteria. They get all the ticks in all the boxes.<sup>41</sup>

### ***Low standards that do not focus on safety***

4.37 Perhaps flowing from the problem of ill-equipped instructors and assessors, the committee heard that the standard required of drivers who seek heavy vehicle licensing has dropped to unacceptably low levels.<sup>42</sup> As a result, in some jurisdictions, it has become too easy to get a heavy vehicle licence.

4.38 Witnesses identified a pattern that has developed among learner drivers, who do not understand the responsibilities of a heavy vehicle licence, but expect to pass any testing on the first attempt.<sup>43</sup> Mr Humphries of the ADTA explained that:

...we have huge issues with the desire for short and less thorough courses, and would we accept this in other industries?...We expect that standard

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39 Mr Michael Humphries, Australian Driver Trainers Association, *Committee Hansard*, 26 June 2017, p. 22.

40 Mr Bill McKinley, Australian Trucking Association, *Committee Hansard*, 8 August 2017, p. 2.

41 Mr Warwick Burrows, bctraining, *Committee Hansard*, 15 February 2017, p. 16.

42 Mr Warwick Burrows, bctraining, *Committee Hansard*, 15 February 2017, p. 15; Mr Peter Meddows, private capacity, *Committee Hansard*, 26 June 2017, p. 27.

43 Mr Bill McKinley, Australian Trucking Association, *Committee Hansard*, 8 August 2017, p. 4; Mr Michael Humphries, Australian Driver Trainers Association, *Committee Hansard*, 26 June 2017, p. 23; Mr Tony Richens, *Committee Hansard*, 26 June 2017, p. 4.

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from our doctors and everyone else, yet there seems to be an expectation that getting a truck licence should be an easy task.<sup>44</sup>

4.39 Mr McKinley of the ATA explained the implications for the skill level and safety practices of heavy vehicle drivers who have their licences promised and issued 'in a day', telling the committee that:

We have situations where people are getting licences, but they don't end up understanding the broader safety context they have to work in. They don't have an understanding of load restraint or fatigue or chain of responsibility. So we end up with badly undertrained drivers emerging with truck driver licences, but they do not have the skills they need to work in the industry safely.<sup>45</sup>

4.40 Mr Burrows of bctraining agreed with the committee's suggestion that a culture in the heavy vehicle industry had developed whereby regulators are encouraged to 'cut red tape' by granting heavy vehicle driver competency to almost all applicants, leading to very low failure rates in most courses. It was suggested that the development of this culture was partly attributable to the high demand for drivers.<sup>46</sup>

4.41 By way of example, Mr Burrows estimated that fail rates for NSW heavy vehicle driver assessments conducted by RTOs are as low as 'six or seven per cent across the board', resulting in pass rates of up to 94 per cent. By way of contrast, in his own RTO in 2016, there were only 25 fail/termination ratings given of the 1178 assessments conducted, which is as low as 'a quarter of one per cent'.<sup>47</sup>

4.42 When the committee requested information about the success rates of NSW assessments conducted by RMS rather than by RTOs, it received evidence that pass rates over the four years 2013–2016 were even higher: on average 95.5 per cent across that period. RMS argued, however, that the pass rate is declining:

The number of assessments performed since 2013 has increased at an average rate of 24 per cent each year. The average pass rate since 2013 has declined by approximately 2 per cent each year on average. Annual figures are detailed in the table below:<sup>48</sup>

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44 Mr Michael Humphries, Australian Driver Trainers Association, *Committee Hansard*, 26 June 2017, p. 23.

45 Mr Bill McKinley, Australian Trucking Association, *Committee Hansard*, 8 August 2017, p. 4.

46 Mr Warwick Burrows, bctraining, *Committee Hansard*, 15 February 2017, p. 16.

47 Mr Warwick Burrows, bctraining, *Committee Hansard*, 15 February 2017, p. 14.

48 Roads and Maritime Services (NSW), answers to questions on notice, 15 February 2017 (received 24 March 2017), p. 1.

Year	Assessments	Pass rates
2013	9457	98%
2014	14 432	98%
2015	15 633	94%
2016	17 597	92%

4.43 Following questioning about the high pass rates in NSW, RMS provided evidence that their internal auditing arrangements are designed to identify individual assessors who achieve particularly high pass rates or conduct high volumes of assessments, noting that it would also flag these matters in audits of NSW RTOs to be conducted by ASQA.<sup>49</sup>

4.44 To raise the standard of heavy vehicle driver training and restore its safety focus, some witnesses called for more comprehensive training and testing across jurisdictions to mitigate the risk of accidents.<sup>50</sup> Based on his experience as a trainer in NSW, Mr Richens suggested that 'a more comprehensive online knowledge test be designed that heightens awareness of the actual complexities of obtaining a heavy vehicle licence'.<sup>51</sup>

4.45 The ADTA called for a 'strong set of performance criteria attached to the competency standard...set down by ASQA', telling the committee 'it is not as prescriptive as it should be' and contains 'anomalies' that can allow incompetent or inexperienced drivers to pass.<sup>52</sup>

4.46 The ATA suggested that improvements may be forthcoming to the standard of training and assessment in VET-based units offered by RTOs, as:

The reference committee covering the trucking industry, the Transport and Logistics Industry Reference Committee, have now developed a proposed schedule of work to upgrade the driver training and heavy vehicle safety VET units.<sup>53</sup>

4.47 While this is an encouraging development for training and assessment conducted by RTOs, the committee notes that alternative training and assessment paths still exist in most jurisdictions. Accordingly, more needs to be done to lift

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49 Roads and Maritime Services (NSW), answers to questions on notice, 15 February 2017 (received 24 March 2017), p. 1.

50 Mr Simon O'Hara, Road Freight NSW, *Committee Hansard*, 26 June 2017, pp. 5–6.

51 Mr Tony Richens, *Committee Hansard*, 26 June 2017, p. 4.

52 Mr Michael Humphries, Australian Driver Trainers Association, *Committee Hansard*, 26 June 2017, pp. 25–6.

53 Mr Bill McKinley, Australian Trucking Association, *Committee Hansard*, 8 August 2017, p. 1.

standards consistently across the nation. The committee is of the view that pass rates should be examined closely at a national level, either as part of the Austroads review or in an audit by ASQA.

### ***Strengthened compliance***

4.48 Contributors to the inquiry, particularly from NSW, raised a number of issues with the integrity of nationally-recognised heavy vehicle training and assessment as conducted by RTOs. As Mr Humphries of the ADTA put it, '[t]he reality is that there are dodgy operators in the system'.<sup>54</sup>

4.49 The oversight of RTOs by ASQA was identified as an issue in the committee's interim report. The committee made the following recommendation:

The committee recommends that Australian Skills Quality Authority conduct an audit of all heavy vehicle driver training facilities (registered training organisations) in Australia.<sup>55</sup>

4.50 Since its interim report, the committee heard renewed calls for strengthened compliance activity to ensure a more universal application of heavy vehicle driver competency standards and the elimination of unique requirements in NSW that can have adverse results for trainers, assessors and drivers alike.

4.51 The committee notes that the monitoring and compliance regime in heavy vehicle assessments in NSW has been heavily influenced by the outcomes of the 'Binos case', which led to the NSW Independent Commission Against Corruption's (ICAC) 2013–14 Operation Nickel. In circumstances not dissimilar to the M5 incident, ICAC:

...investigated allegations that Christopher Binos, a former heavy vehicle competency-based assessor acting on behalf of Roads and Maritime Services (RMS), solicited benefits from applicants for heavy vehicle licences, and conducted fraudulent heavy vehicle assessments. It was also alleged that Mr Binos signed log books certifying applicants as competent to drive a heavy vehicle without the applicants completing the necessary assessments, in exchange for cash payments.<sup>56</sup>

4.52 Following its investigation, ICAC recommended that RMS require RTOs to implement 'in-cabin video camera and GPS technology solutions to record and monitor HVCBA final competency assessments'. It recommended that RMS

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54 Mr Michael Humphries, Australian Driver Trainers Association, *Committee Hansard*, 26 June 2017, p. 22.

55 Rural and Regional Affairs and Transport Committee, *Aspects of road safety in Australia*, Interim report, May 2016, Recommendation 15, p. viii.

56 Independent Commission Against Corruption (NSW), *Roads and Maritime Services – allegations concerning conduct of heavy vehicle assessments (Operation Nickel)*, <<https://www.icac.nsw.gov.au/investigations/past-investigations/investigationdetail/199>> (accessed 2 August 2017).

implement systems, processes and business rules to own, collect, review and archive the recordings, including utilising the recordings to 'enhance the auditing of the HVCBA scheme'.<sup>57</sup> RMS responded in April 2014 with an implementation plan to give effect to the recommendation, with the caveat that RTOs would themselves 'own, collect and archive recordings'.<sup>58</sup> Since 1 September 2014, RMS has required mandatory in-cabin video and GPS technology during assessments.<sup>59</sup>

4.53 The implementation of in-cabin video camera and GPS technology solutions was positively received by witnesses from both NSW<sup>60</sup> and Victoria which has an equivalent requirement.<sup>61</sup> For example, Mr Burrows of bctraining gave evidence that his organisation's 32 assessors all use multiple cameras without difficulty.<sup>62</sup> Mr Herft of VicRoads explained the auditing capability that the technology enables in Victoria:

All the providers are required to record each test, clearly identifying the client, the record number, the test number and all that sort of business, their licence number, the date, the time—the whole range. All those videos are eventually taken up by VicRoads, once we recall them, and we keep those. We audit them, either randomly or if we have a complaint about one particular assessor or something like that. So we will audit those and look for anything from fraudulent activity to perhaps training issues.<sup>63</sup>

4.54 The committee has already considered the issue of single jurisdictions providing multiple training and assessment pathways, and compliance is another area where this seems to create problems. Trainer and assessor Mr Richens expressed concern that while trainers and assessors who work for RTOs in NSW are required to comply, 'RMS assessors are not required to have an in-cab camera for their assessments'.<sup>64</sup>

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57 Independent Commission Against Corruption (NSW), *Investigation into false certifications of heavy vehicle competency-based assessments by a Roads and Maritime Services-accredited assessor*, ICAC Report January 2014, p. 6.

58 Independent Commission Against Corruption (NSW), *Plan for implementation of recommendations*, <[https://www.icac.nsw.gov.au/images/investigations/implementation\\_plans/Nickel/implementation-plan-roads-and-maritime-services-operation-nickel.pdf](https://www.icac.nsw.gov.au/images/investigations/implementation_plans/Nickel/implementation-plan-roads-and-maritime-services-operation-nickel.pdf)> (accessed 2 August 2017), p. 1.

59 Ms Melinda Bailey, Roads and Maritime Services, New South Wales, *Committee Hansard*, 15 February 2017, p. 3.

60 Mr Warwick Burrows, bctraining, *Committee Hansard*, 15 February 2017, pp. 13–14.

61 Mr Angelo Herft, VicRoads, *Committee Hansard*, 10 November 2016, p. 3.

62 Mr Warwick Burrows, bctraining, *Committee Hansard*, 15 February 2017, p. 14.

63 Mr Angelo Herft, VicRoads, *Committee Hansard*, 10 November 2016, p. 3.

64 Mr Tony Richens, *Committee Hansard*, 26 June 2017, p. 4.

4.55 Some witnesses criticised NSW-specific audit procedures as overly complex and often ineffective.<sup>65</sup> One example of this is the separation of training and assessment, a condition applied from 1 September 2015 to 'improve the integrity of the HVCBA Scheme by mitigating fraud and corruption risk, and conflict of interest'.<sup>66</sup> RMS told the committee that, of the states that have adopted the national framework, only NSW has 'implemented the separation of training and assessment as a scheme condition to ensure the assessor is independent of the person delivering the training'.<sup>67</sup>

4.56 The committee heard a range of objections to the separation of training and assessment in NSW. Interestingly, the objections started with concerns raised by RMS in its response to the ICAC report into the Binos case.<sup>68</sup> The ICAC report acknowledged early objections from RMS to the proposal, in particular 'that splitting the assessment from the training is not practicable', and would place onerous demands on the industry and applicants in regional areas.<sup>69</sup> Despite this early objection, the NSW Government implemented the separation of training and assessment in 2015.

4.57 It appears to the committee that unfortunately, RMS's prediction was accurate in relation to the impact on regional areas. By way of example, Mr Burrows of bctraining gave evidence that:

The effect on smaller RTOs and trainer-assessors in regional New South Wales has been devastating, causing hardship and negative impact on their businesses. Some have had their incomes drastically reduced. Some have been forced out of business, giving the larger operators the monopoly in the area. And applicants are being disadvantaged by not being able to access training and assessment in their own local area.<sup>70</sup>

4.58 The separation of heavy vehicle training and assessment in NSW was further criticised by witnesses and submitters as:

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65 Mr Tony Richens, *Committee Hansard* 26 June 2017, p. 3; Mr Peter Meddows, *Committee Hansard*, 26 June 2017, p. 24; Mr Michael Humphries, Australian Driver Trainers Association, *Committee Hansard*, 26 June 2017, p. 27.

66 Roads and Maritime Services, *Separation of training and assessment: HVCBA Scheme Q&A*, 1 September 2015, <<http://www.rms.nsw.gov.au/documents/business-industry/driving-instructors/hvcba-separation-training-assessment-qa.pdf>> (accessed 2 August 2017).

67 Ms Melinda Bailey, Roads and Maritime Services, New South Wales, *Committee Hansard*, 15 February 2017, pp. 2, 6.

68 Mr Warwick Burrows, bctraining, *Committee Hansard*, 15 February 2017, p. 14.

69 Independent Commission Against Corruption (NSW), *Investigation into false certifications of heavy vehicle competency-based assessments by a Roads and Maritime Services-accredited assessor*, ICAC Report January 2014, p. 6.

70 Mr Warwick Burrows, bctraining, *Committee Hansard*, 15 February 2017, p. 14.

- adding to the corruption it was designed to cut down on 'by way of people teaming together';<sup>71</sup>
- a 'logistical nightmare' especially in regional centres;<sup>72</sup>
- 'prejudicial and commercially unviable' due to the need to share client information and a percentage with competitors;
- 'totally unnecessary regulation that only complicates...the audit process' especially given that in-cabin video record all tests;
- inconsistent with the approach taken by VicRoads;<sup>73</sup>
- having led to the industry losing 'fabulous assessors' with considerable experience who were unable to comply with part 4.2D;<sup>74</sup> and
- having 'created a monopoly for other assessors and RTOs who were multiple employees of a business against a single operator in any given town'.<sup>75</sup>

4.59 While state-specific regulations are beyond the scope of this inquiry, this example highlighted the necessity for a national competency framework that considers the needs of all system users, including those in remote and regional areas. The addition of compliance measures that have adverse consequences would appear to create more harm than good.

4.60 In place of jurisdiction-specific compliance measures, the committee heard calls for greater scrutiny of RTOs by the national body ASQA. The ATA gave evidence that the 'relationship between the state road transport authorities, ASQA and the VET system is unresolved everywhere'.<sup>76</sup> Mr McKinley explained that in NSW, this results in a communication breakdown that has to be addressed if heavy vehicle training is to be improved:

What concerns us in particular is the apparent lack of communication between RMS, on the one hand, and ASQA, on the other. The RTOs are simultaneously regulated by ASQA, because they're registered training organisations, and, because they're driver training organisations, by the state department. Yet there is a lack of communication between the VET side of the training system and the road transport regulation side of the training

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71 Mr Michael Humphries, Australian Driver Trainers Association, *Committee Hansard*, 26 June 2017, p. 21.

72 Mr Tony Richens, private capacity, *Committee Hansard*, 26 June 2017, p. 4. See also Mr David Bussey, *Submission 81*, p. [2]; Mr Bill McKinley, Australian Trucking Association, *Committee Hansard*, 8 August 2017, p. 7.

73 Mr Tony Richens, *Committee Hansard*, 26 June 2017, p. 4.

74 Mr Warwick Burrows, bctraining, *Committee Hansard*, 15 February 2017, p. 20.

75 Mr Warwick Burrows, bctraining, *Committee Hansard*, 15 February 2017, p. 13.

76 Mr Bill McKinley, Australian Trucking Association, *Committee Hansard*, 8 August 2017, p. 7.



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system. That gap has got to be closed in order to ensure that heavy vehicle drivers are trained well and safely and properly.<sup>77</sup>

4.61 The ATA reported having 'discussions with ASQA about the issue of driver training generally and the need to police it more strongly'.<sup>78</sup> Indeed, Mr Garner of ASQA told the committee that '[w]e have heard claims that there are differing standards between providers'. He explained that a 'provider who has a higher number of complaints is obviously a higher risk to us and is more likely to come under more robust regulatory scrutiny in the future'.<sup>79</sup>

4.62 The committee notes evidence that ASQA has received few complaints about heavy vehicle driver training and assessment, which does not accord with evidence received during the inquiry of underhanded practices in the training industry. Mr Garner of ASQA gave evidence that:

In the last two years, we have received a total of two complaints in this area. One of these was against an organisation that is not a registered training organisation, which was purporting to be able to offer nationally recognised training. There was one complaint about a registered training organisation. So there are very low levels of what we would call noise or intelligence in the system in this particular area.<sup>80</sup>

4.63 The lack of use of ASQA's complaints mechanism in relation to heavy vehicle training and assessment leads the committee to conclude that more can be done by the national body to investigate and protect the integrity of the system.

### **Committee view**

4.64 Australia needs to move towards a more comprehensive and consistently applied national scheme for the training and assessment of heavy vehicle drivers. The promise of the NHVDC Framework has been undermined by its lack of universal application both within and between Australian states and territories, and by evidence of falling standards and lack of reform.

4.65 The committee has heard concerning evidence that there is a wide variation in the quality of instructors/assessors in the heavy vehicle industry. In particular, the committee was told that some lack industry experience and are therefore unable to equip new drivers with the necessary skills and understanding of the practical realities of the industry. As a result, the industry risks diluting its own talent pool with underqualified drivers.

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77 Mr Bill McKinley, Australian Trucking Association, *Committee Hansard*, 8 August 2017, p. 3.

78 Mr Bill McKinley, Australian Trucking Association, *Committee Hansard*, 8 August 2017, p. 3.

79 Mr David Garner, Australian Skills Quality Authority, *Committee Hansard*, 10 November 2016, p. 27.

80 Mr David Garner, Australian Skills Quality Authority, *Committee Hansard*, 10 November 2016, p. 28.

4.66 Considering that almost a decade has passed since transport ministers acknowledged the need for national consistency in training and assessment, the 2017 Austroads review of the NHVDC Framework is well overdue. The committee encourages governments to give the review the support and resources it requires to adequately discharge its important task.

4.67 Following the Austroads review, or indeed alongside its progress, the committee encourages the remaining states and territories to take concrete steps to implement the NHVDC Framework. Acknowledging that the change process will require resources and infrastructure, the committee recalls the commitment expressed by jurisdictions in 2011 to a truly national scheme.

4.68 In place of jurisdiction-specific compliance measures, the committee encourages all states and territories to work together through the TIC to improve the quality of the national framework, and to ensure it meets the needs of users across the country, in metropolitan as well as regional and remote areas. The committee calls on ASQA to assist the transport industry by looking more closely, and in a systemic fashion, at the RTOs who deliver heavy vehicle training and assessment. This inquiry has demonstrated that any threat to the integrity of heavy vehicle training and assessment is a threat to road safety in Australia.

#### **Recommendation 10**

**4.69 The committee recommends that the Austroads review consider:**

- **raising the standard required of heavy vehicle drivers under the Heavy Vehicle Competency Based Assessment (HVCBA), with a renewed focus on safety; and**
- **national consistency in relation to heavy vehicle instructor or assessor eligibility, including requiring mandatory industry experience in driving and handling the appropriate vehicle.**

#### **Recommendation 11**

**4.70 Following the Austroads review, the committee recommends that the COAG Transport and Infrastructure Council work to ensure that all jurisdictions adopt the revised criteria of the National Heavy Vehicle Driver Competency Framework (NHVDC Framework) as a matter of urgency.**

#### **Recommendation 12**

**4.71 The committee recommends that the Australian Skills Quality Authority (ASQA) take a more active role in monitoring the delivery of heavy vehicle training undertaken by registered training organisations and other providers.**

**Senator Glenn Sterle**  
**Chair**

